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EXAMINER

SWARTZ, JAMIE H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/027,777	Applicant(s) MACLEAN ET AL.	
	Examiner JAMIE H. SWARTZ	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16, and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 23, 2008 has been entered.

2. Claims 1-3, 6-7, 13-16 have been amended. Claims 21-22 have been added. Claims 1-4, 6-10, 12-16, and 18-22 are currently pending.

Response to Arguments

3. Applicant's arguments filed December 23, 2008 have been fully considered but they are not persuasive.

4. The applicant argues on pages 7-8 of applicant's arguments that there is no volume limit threshold or data counting of only billable data. The examiner respectfully disagrees. As can be seen in the Haumont reference at least ¶ 1 which includes a limit indicating the maximum allowed amount to be billed. The volume limit threshold is directly related to the maximum allowed to be billed. The examiner also asserts that claim 1 includes the limitation of if. The step of "accumulated billable data count of said

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first type of data reaches said volume limit threshold" is preceded by an if statement.

Thus the applicant is not teaching that the step of transmitting said accumulated billing data and reaching the volume limit always occur. Further, the applicant teaches in claim 1 that both the data count and the billable data count are accumulated. The applicant states that the billable data count *only* includes data that is the first type of data. No where does the applicant state that the first type of data is billable data. Or that the first type of data only consists of billable data. The claim merely states that there is a first charge rate for the first type of data and a second "change" rate for the second type of data. Further, the transmitting step says that accumulated billable data count is transmitted but never says that it is the *only* data transmitted. The applicant merely states that one set of data is transmitted, without specifically claiming that it is the only data transmitted. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., only transmitting billable data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant has also asserted that there is only a total or combined threshold. The examiner respectfully disagrees. As can be seen in at least the amendment there are two charges that occur. There are charges that increase before the maximum billable value is met, after the services are free of charge. Thus only the billable data is calculated until the value is reached.

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5. The applicant has argued that Haumont does not teach content based billing to a wireless prepaid subscriber. The examiner respectfully disagrees. Haumont teaches billing based on volume and use for cellular technology. Further, in response to applicant's arguments, the specific phrase "content-based billing" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

6. The applicant has argued that on page 8 of applicant's arguments that Haumont does not teach transmitting the billable data "from GGSN to the first SGSN." The examiner asserts that claim 1 includes the limitation of if. The step of "transmitting accumulated billable data count from said GGSN to said first SGSN" is followed by an if statement. Thus the applicant is not teaching that the step of transmitting said accumulated billing data and reaching the volume limit always occurs. The specific step *only* occurs if a volume limit threshold is hit.

7. The applicant has argued on page 8 that the billing data count comprises only the first type of data from its "OGSN" to the SGSN. The examiner is unclear as to what the OGSN is.

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8. The applicant has not specifically pointed out errors in the secondary pieces of art used such as Alloune and Cushnie thus the examiner merely states that references teach what is stated within the Office Action.

9. Applicant's arguments with respect to claims 1-4, 6-10, 12-16, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-4, 6-10, 12-16, and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 13 were amended to include the details of accumulating a data count at said first SGSN. There is no support in the specification for the data count to be accumulated at the SGSN. The specification on at least page 3 specifically teaches that the data is accumulated at the GGSN and then later sends the information about the data to the SGSN. Thus the concept of the data being "accumulated" at the SGSN is considered new matter. Claims

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6 and 7 were amended to include details about each different first type of data counts having a different billable data rate. There is no support in the specification for each data type having more than one billable rate within the type. Further in applicants specification on page 3, the applicant merely states that "some types of data may accumulate a data count at a standard rate, whereas other types of data may accumulate at a higher or lesser data count than the standard rate." The applicant fails to teach different billable rates existing within types of data. Thus this is new matter.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-4, 6-10, 12-16, and 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Regarding claim 1, the phrase "second change rate" renders the claim indefinite because it is unclear what the applicant is referring to in reference to the "change rate."

15. Claims 2-4, 6-10, 12-16, and 18-22 are also rejected as being dependent on a previously rejected claim.

Claim Rejections - 35 USC § 103

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16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1, 3-5, 8-9, 12-17, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) in further view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1).

18. Regarding claim 1, Haumont teaches a method of providing content-based billing to a prepaid subscriber (§§ 18-20). Haumont teaches initiating information exchange between a first Serving General Packet Radio Service Support Node (SGSN) and Server Control Point (SCP) regarding the prepaid subscriber (§§ 32, 38, 52-61, 19). Haumont teaches providing volume limit threshold of a first type of data to the first SGSN (§§ 28, 32-40). Haumont teaches forwarding the volume limit threshold data to a Gateway GPRS Support Node (GGSN) (§§ 17, 80). Haumont teaches accumulating a data count at a SGSN comprising both said first type of data and a second type of data (§§ 28, 32-40). Haumont teaches transmitting the accumulated data count to the first SGSN if the accumulated data count reaches the volume limit threshold (abstract, §§ 15, 28, 32-34, 80-81). Haumont teaches providing the accumulated billable data count to the SCP (§§ 32-34, 40, 42, 57). Haumont teaches billing (§§ 18-20) does not specifically teach accumulating a billable data count. However, Alloune teaches accumulating a

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billable data count relating to a profile of a prepaid subscriber (col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a billable data count at said GGSN comprising a first type of data relating to a profile of a prepaid subscriber (pg. 312-323, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets that are formed from the information. Haumont does not specifically teach the data being transferred from the

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SGSN to the SCP. However, Cushnie teaches wherein the billable data count is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different communication models. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and SGSNs are well known to communicate data and information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim 1 are taught by Haumont, though he does not specifically teach all the interrelations between the different nodes. However, it was old and well known at the time of the invention for nodes within a computer to do multiple functions, to receive information, to accumulate information, and to transmit that information back to the control point. The combination of Haumont, Cushnie, and Alloune do not specifically teach the GGSN accumulating a billable data for only one type of data. However Kari teaches accumulating a billable data for one type of data. Further, Kari also teaches GGSN and SGSN having separate types of data and data counts as well accumulating both and transmitting (see at least col. 2, lines 10-60). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Kari teaches a packet radio system comprising a digital mobile communication network. It would have been obvious to modify Haumont, Cushnie, and Alloune to include the details of only comprising a specific type of data to be accumulated by the GGSN. Because the GGSN collects only the billable data it is important for the only data that is

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distributed to the GGSN to be data that would be billable. GGSN and SGSN accumulate different forms of data. Allowing for different nodes to collect different sources of data is very efficient and also allows for a system that has different types of data that can be sent and effectively and accurately billed.

19. Regarding claim 3, Haumont teaches transmitting a new volume limit threshold for a type of data to the first SGSN and forwarding the new volume limit threshold for the same to the GGSN (§§ 32-35, 40-42, 57-63).

20. Regarding claim 4, Haumont teaches providing the first SGSN with information to release or terminate communications with the PDP a Packet Data Provider (PDP) (§§ 18, 20, 32-33, 44-45, 51, 54-56, 61).

21. Regarding claim 5, Haumont teaches wherein the GGSN does not accumulate billable count for selected types of data in accordance with the subscriber profile (§§ 18, 24-25, 29-39).

22. Regarding claim 8, Haumont teaches wherein the step of providing volume limit threshold data is provided from the SCP (§§ 25, 32-35, 40-42, 57-63).

23. Regarding claim 9, Haumont teaches wherein the step of forwarding the volume limit threshold data is forwarded from the first SGSN (§§ 32-44, 80).

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24. Regarding claim 12, Haumont teaches wherein the information to release or terminate is provided from the SCP (§§ 25-27, 31-53). Haumont includes each stage including termination.

25. Regarding claim 13, Haumont teaches contacting the first SGSN by a second SGSN indicating a mobility transfer (§§ 17-20, 75, 80). Haumont teaches transmitting the accumulated data count from the GGSN to the first SGSN (§§ 17-20, 54-55). Haumont teaches providing the accumulated data count to the SCP (§§ 25-27, 31). Haumont teaches terminating communications between the SCP and the first SGSN with respect to the prepaid subscriber (§§ 36-40, 42-61). Haumont teaches establishing communications between the second SGSN and the SCP with respect to the prepaid subscriber (§§ 36-40, 42-61). Haumont teaches providing volume limit threshold data from the SCP to the second SGSN (§§ 32-40). Haumont teaches accumulating a data count at a SGSN comprising both said first type of data and a second type of data (§§ 28, 32-40). Haumont teaches forwarding the volume limited threshold data from the second SGSN to the GGSN (§§ 50-61). Haumont teaches transmitting the accumulated data count from the GGSN to the second SGSN (§§ 20, 17, abstract, §§ 15, 28, 32-34, 80-81). Haumont teaches transmitting the accumulated data count to the second SGSN if the accumulated data count reaches the volume limit threshold (abstract, §§ 15, 28, 32-34, 80-81). Haumont teaches providing the accumulated data count to the SCP (abstract, §§ 15, 28, 32-34, 40-42, 57). Haumont teaches billing (§§ 18-20) but does not specifically

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teach accumulating a billable data count. However, Alloune teaches accumulating a billable data count at the GGSN first type data according to the prepaid subscriber profile (col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont does not specifically teach the data being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the billable data count is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different communication models. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and SGSNs are well known to communicate data and information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim 1 are taught by Haumont, though he does not specifically teach all the interrelations between the different nodes. However, it was old and well known at the time of the invention for nodes within a computer to do multiple functions, to receive information, to accumulate information, and to transmit that

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information back to the control point. The combination of Haumont, Cushnie, and Alloune do not specifically teach the GGSN accumulating a billable data for only one type of data. However Kari teaches accumulating a billable data for one type of data. Further, Kari also teaches GGSN and SGSN having separate types of data and data counts as well accumulating both and transmitting (see at least col. 2, lines 10-60). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Kari teaches a packet radio system comprising a digital mobile communication network. It would have been obvious to modify Haumont, Cushnie, and Alloune to include the details of only comprising a specific type of data to be accumulated by the GGSN. Because the GGSN collects only the billable data it is important for the only data that is distributed to the GGSN to be data that would be billable. GGSN and SGSN accumulate different forms of data. Allowing for different nodes to collect different sources of data is very efficient and also allows for a system that has different types of data that can be sent and effectively and accurately billed.

26. Regarding claim 14, Haumont teaches transmitting the accumulated data count prior to attainment of the volume limit threshold (§ 17, 81). Haumont teaches billing (§ 18-20) does not specifically teach accumulating a billable data count. However, Alloune teaches accumulating a billable data count relating to a profile of a prepaid subscriber (col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and

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a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a billable data count at said GGSN comprising a first type of data relating to a profile of a prepaid subscriber (pg. 312-323, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets that are formed from the information. Haumont does not specifically teach the data being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the data is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different communication models. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and SGSNs are well known to communicate data and information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim 1 are taught by Haumont, though he does not specifically teach all the interrelations between the different nodes. However, it was old and well known at the time of the invention for nodes within a computer to do multiple functions, to receive information, to accumulate information, and to transmit that information back to the control point. Further, Kari also teaches GGSN and SGSN having separate types of data and data counts as well accumulating both and transmitting (see at least col. 2, lines 10-60).

27. Regarding claim 15, Haumont teaches transmitting a new volume limit threshold for a first type of data from the SCP to the second SGSN and forwarding the new volume limit threshold for a first type of data from the second SGSN to the GGSN (§§ 32-35, 40-42, 57-63).

28. Regarding claim 16, Haumont teaches providing the second SGSN with information to release or terminate communications with the PDP a Packet Data Provider (PDP) (§§ 18, 20, 32-33, 44-45, 51, 54-56, 61).

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29. Regarding claim 17, Haumont teaches wherein the GGSN does not accumulate billable count for selected types of data in accordance with the subscriber profile (§ 18, 24-25, 29-39).

30. Regarding claims 21 and 22, Haumont teaches wherein said second type of data is provided at no additional cost to the subscriber (see at least abstract).

31. Claims 2, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in further view of Official Notice now admitted prior art.

32. Regarding claim 2, Haumont teaches transmitting the accumulated data count if an exchange of data between the BSC/RNC a Base Station Controller/Radio Network Controller (BSC/RNC) and the first SGSN is interrupted before the volume limit threshold is reached (§ 17, 81). Calls are often stopped or disconnected well before the volume limit threshold is reached. A call that would not be disconnected before the volume limit threshold would be a call that would consume the volume in its entirety. Calls are terminated all the time. Official Notice now admitted prior art is taken that UMTS has RNC. Official Notice is taken that a BSC is part of a BSS. Haumont teaches billing (§ 18-20) does not specifically teach accumulating a billable data count. However, Alloune teaches accumulating a billable data count relating to a profile of a prepaid

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subscriber (col. 2, line 15 - col. 8, line 50). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. It would have obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the details of accumulating a billable data count. The majority of telecommunication systems bill based on units or segments of time. In order to bill a customer it is a requirement that the telecommunications company accumulate the units or segments into a billable data count. Haumont teaches the forwarding of a volume limit threshold, however not of specific billable data specifically to the GGSN. Haumont teaches that it was known in the art at the time of the invention to forward information from one node to another node. Forwarding specific information in regards to the billable data allows for the information to be forwarded to the correct node. In the Cushnie article one node (GGSN) bills for one usage while the other node bills for a different usage. Whatever node is specifically set up for the billing is required to receive the information in regards to how much to bill as well as information about whether or not the user has gone over predefined user thresholds. Cushnie teaches accumulating a billable data count at said GGSN comprising a first type of data relating to a profile of a prepaid subscriber (pg. 312-323, Fig. 1). Fig 1 of the Cushnie article teaches the interconnection between the SGSN and the GGSN. The data that flows between the two as well as the billing tickets that are formed from the information. Haumont does not specifically teach the data being transferred from the SGSN to the SCP. However, Cushnie teaches wherein the

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data is forwarded to a control point from the SGSN (pg. 312-323, Fig. 1). Both Cushnie and Haumont teach billing for different communication models. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to teach the various connections of the nodes. GGSNs, SGSNs, and SCPs are old and well known in the art. GGSNs and SGSNs are well known to communicate data and information. As can be seen in Haumont Fig. 1 SGSN and SCP communicate as well. All the physical features of claim 1 are taught by Haumont, though he does not specifically teach all the interrelations between the different nodes. However, it was old and well known at the time of the invention for nodes within a computer to do multiple functions, to receive information, to accumulate information, and to transmit that information back to the control point. Further, Kari also teaches GGSN and SGSN having separate types of data and data counts as well accumulating both and transmitting (see at least col. 2, lines 10-60).

33. Regarding claim 10, Haumont teaches the step of exchanging data between a Base Station Controller (BSC), the first SGSN, and the GGSN (§ 17, 19). Official Notice now admitted prior art is taken that the BSC is a part of the BSS.

34. Regarding claim 20, Haumont teaches exchanging data between a second BSC, the second SGSN and the GGSN (§ 17, 19). Official Notice now admitted prior art is taken that the BSC is a part of the BSS.

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35. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in further view of Hasan et al. (US 6707813 B1).

36. Regarding claim 18, Haumont teaches transiting accumulated data count, providing the accumulated data count, terminated communications, establishing communications, providing volume limit, and forwarding said volume limit. Alloune teaches accumulating billable data. Haumont and Alloune combined do not specifically teach where the second SGSN is established prior to terminating the first SGSN because wireless voice communication works off of towers to transmit the signal. However, Hasan teaches wherein communication between the second SGSN and the SCP is established prior to termination of communication between the first SGSN and SCP (col. 1, line 62 – col. 7, line 35). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. Hasan teaches a radio telecommunication systems and a method of call control to minimize delays in launching multimedia or voice calls in a packet-switched radio telecommunications network. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the specifics of where the second SGSN is established prior to terminating the first SGSN because wireless voice communication works off of towers

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to transmit the signal. The signal of an individual tower is not infinite, so it requires the use of multiple towers to be sure there aren't interruptions in use. All cellular communication requires the use of more than one tower. It is vital when using wireless voice communication to have seamless communication. If the second SGSN is not established prior to the termination of the first SGSN an interruption in the conversation will occur, causing a brief silence or a force termination of the call. From a customer service aspect, force termination or interruptions are frowned upon.

37. Regarding claim 19, Haumont teaches transiting accumulated data count, providing the accumulated data count, terminated communications, establishing communications, providing volume limit, and forwarding said volume limit. Alloune teaches accumulating billable data. Haumont and Alloune combined do not specifically teach transferring information between the first and second SGSN. However, Hasan teaches exchanging information between the first SGSN and the second SGSN (col. 1, line 62 – col. 7, line 35). Haumont teaches services accessible via a subscription in a telecommunication system, and particularly to a subscription having an account and a predetermined limit. Alloune teaches communication billing system that provides interrelated processing of wireless service events. Hasan teaches a radio telecommunication systems and a method of call control to minimize delays in launching multimedia or voice calls in a packet-switched radio telecommunications network. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont to include the specifics of transferring information between the first and

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second SGSN. This is to not interrupt the communication when going from the first to the second SGSN to accomplish this would require information relating to the current communication being transferred.

38. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 20030027554 A1) in view of Alloune et al. (US 6615034 B1) further view of Cushnie (2000) in further view of Kari et al. (US 6480485 B1) as shown above in further view of Official Notice.

39. Regarding claim 6, Haumont teaches wherein the step of accumulating billable data count comprises the step of accumulating different types of data counts for different billable data rates (§ 18, 24-25, 29-43, 62). Official notice is taken that it was well known in the telecommunications art at the time of the invention for a type of data to have different billable data rates. For example peak time, incoming calls, call from the same network, off peak time all sends the same data but is billed at a different rate based on when the call comes in and from whom.

40. Regarding claim 7, Haumont teaches wherein a first type of data is provided at no cost to the subscriber and does not accumulate a data count at the GGSN, a second type of data is accumulated at a first rate at the GGSN, a third type of data accumulates at a rate lower than the first rate at the GGSN, and a fourth type of data accumulates at a rate greater than the first rate at the GGSN (§ 18, 24-25, 29-62, 80). Official notice is

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taken that it was well known in the telecommunications art at the time of the invention for a type of data to have different billable data rates. For example peak time, incoming calls, call from the same network, off peak time all sends the same data but is billed at a different rate based on when the call comes in and from whom. Thus a first of a first type, a second of a first type, and a third of a first type all having different rates but all being the same data.

41. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694